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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,635	11/10/2005	Takashi Furukawa	450100-05111	2115
<div>7590 William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151</div>				
08/26/2009				
EXAMINER				
TEKLE, DANIEL T				
ART UNIT		PAPER NUMBER		
2621				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/525,635

Applicant(s)

FURUKAWA ET AL.

Examiner

DANIEL TEKLE

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Kiyama et al. (US 7,457,530) and further in view of Soda (US 2003/0133696).

Regarding Claim 1: Kiyama et al. and Soda discloses a recording apparatus for recording second picture data or second sound data onto a recording medium on which first picture data or first sound data are recorded, apparatus comprising: reading controlling means for controlling reading of low-resolution data having the same contents as at least one of said first picture data and said first sound data recorded on said recording medium (**column 2 lines 60-67 of Kiyama et al.**); and recording controlling means for controlling recording of said second picture data or said second sound data synchronizing with said at least one of said first picture data and said first sound data, onto said recording medium (**column 16 lines 40-55 of Kiyama et al.**), wherein a data rate of said recording of said second picture data or said second sound data is higher than reading of said low-resolution data (claim 3 of Soda).

It would have been obvious to one ordinary skill in the art at the time of the invention was made to combine Soda invention into Kiyama et al. in order to have smooth record/reproduction of AV data.

Regarding Claim 2: Kiyama et al. discloses a recording apparatus according to claim 1, wherein reading controlling means controls reading of said low-resolution data in which low-resolution picture data having the same contents as said first picture data and low-resolution sound data having the same contents as said first sound data are multiplexed (**column 3 lines 55-64**).

Regarding Claim 3: Kiyama et al. discloses a recording apparatus according to claim 1, wherein recording controlling means controls recording of said second picture data so as to be recorded to a first file in which picture data are collectively placed, or recording of said second sound data so as to be recorded to a second file in which sound data are collectively placed (**column 2 lines 47-63**).

Regarding Claim 4: Kiyama et al. discloses a recording apparatus according to claim 1, wherein recording medium is an optical disk (**column 18 lines 55-62**).

Regarding Claim 5: Kiyama et al. discloses a recording apparatus according to claim 1, wherein recording medium is a semiconductor memory (**column 6 lines 12-19**).

Regarding Claim 6-7: Claim 6-7 are reject for the same subject matter as claim 1 discussed above.

Regarding Claim 8-9: Claim 8-9 are reject for the same subject matter as claim 2 discussed above.

Regarding Claim 10-12: Claim 10-12 are reject for the same subject matter as claim 3-5 respectively discussed above.

Regarding Claim 13-14: Claim 13-14 are reject for the same subject matter as claim 8 discussed above.

Regarding Claim 15-19: Claim 15-19 are reject for the same subject matter as claims 1-5 respectively discussed above.

Regarding Claim 20-21: Claim 20-21 are reject for the same subject matter as claim 15 discussed above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/
Examiner, Art Unit 2621

